

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CRIM. NO. 02-0307DAE
)	
Plaintiff,)	DECLARATION OF MARSHALL
)	KANEHAILUA
VS.)	
)	
LENORA JEAN AITCHISON,)	
)	
Defendant.)	
_____)	

DECLARATION OF MARSHALL KANEHAILUA

MARSHALL KANEHAILUA, upon penalty of perjury, declares and states as follows:

1. I am a Captain with the Hawaii County Police Department (HCPD), Island of Hawaii. During the period February 1995 - December 2005, I was assigned to the HCPD Narcotics/Vice Section in Hilo. While assigned to the Narcotics/Vice Section, I participated in the warranted search of the residence and property of defendant Lenora Jean Aitchison, located in Kopua Farm Lots. This warranted search occurred on June 27, 2002.

2. On June 27, 2002, defendant Aitchison was the only person present on this property. As indicated in the warrant affidavit filed in support of the search warrant, when I had first gone onto the property on that date, I had ". . . made contact with . . . LENORA AITCHISON and she immediately said that she was the only one at the residence". In addition, there was only one bed inside the residence (which was located under a loft space) and from the identification evidence found in the

residence, it appeared that defendant was the only occupant.

3. In the residence, there were also two rooms in which cords were strung from wall to wall (appearing like multiple clothes lines). Drying marijuana stumps and branches were hanging upside down on these lines. In addition, the loft space over the bed was accessed by a steep wooden stairwell; numerous, juvenile marijuana plants and seedlings were growing in pots in this loft space.

4. A very typical marijuana cultivation practice on the Island of Hawaii is to initially grow young marijuana plants indoors, either sprouting them from seeds or more commonly, to "clone" them from mature adult plants. In the "cloning" method, cuttings are taken from a "mother" marijuana plant and then planted in growtrays. These "cloned" cuttings thereafter develop their own root systems and will grow into separate plants. Female marijuana plants are prized for their greater THC production, and their flowers will produce larger amounts of THC as long as they remain unfertilized. A primary advantage of the cloning method is that one can get all female plants; with the seed method, male plants must be immediately culled-out in order to avoid unwanted fertilization of the female flowers.

5. Once the marijuana plants are old enough to survive outside, the grower then typically will transplant them to outdoor sites, where they will be allowed to grow to maturity.

6. When marijuana plants are harvested, the typical method is to cut down the entire plant, as opposed to merely trimming off a few branches and leaving the plant to continue growing (in this connection, it is very common to see the cut-off stumps of former marijuana plants sticking out of the ground in cultivation fields). After the whole plant is harvested, its marijuana stumps and branches are then dried and cured by hanging them upside down on clothes lines (with the idea being that the THC-containing sap will further accumulate via gravity in the marijuana flowers at the ends of the branches). Once the marijuana stumps and branches are sufficiently dried, the marijuana flowers (also known as "buds") can be trimmed and packaged, as well as the other less valuable leaves and branches of the marijuana plant (commonly called "shake").

7. At the time of the warranted search on June 27, 2002, it appeared that defendant was utilizing this method described above to cultivate marijuana. She was growing the immature marijuana plants inside her residence in the loft above her bed, and then transplanting them outside to grow to maturity. Once harvested, she was drying and then ultimately trimming them inside her residence.

8. As indicated in the search warrant return, 876 marijuana plants, ranging from seedling size to three feet in height, were recovered from inside and outside of defendant's residence.

9. Attached hereto and incorporated herein by reference as Exhibit "1a" is a true and correct copy of a 2002 "Old Farmer's Almanac Gardening Calendar", which was found in defendant's residence during the warranted search on June 27, 2002.

10. I have reviewed the handwritten entries contained in this calendar. From the gist of these handwritten entries, it appears that this is a running memo pad of "things to do" and a log of work actually accomplished each day with respect to the marijuana cultivation being conducted on defendant's property. It should be noted that the log entries (describing the work accomplished on each date) ended prior to the search date of June 27, 2002. See attached Ex. "1a" at page 7.

11. In addition, there is a handwritten entry on March 15 which read "Built Platform for overflow above bed". See attached Ex. "1a" at page 4. This entry is consistent with the loft located above defendant's bed in her residence (which contained juvenile marijuana plants), as described earlier in this Declaration.

12. According to this calendar, defendant both cloned and grew marijuana plants from seeds. For example, a January 14 handwritten entry indicating "cloned 100 [plants], planted 100 sds [seeds]", see attached Ex. "1a" at page 2, is illustrative of many similar such entries in this calendar.

13. In addition, this calendar meticulously kept track of

the number of marijuana plants harvested on each day. For example, on January 12, there was a a handwritten entry of "Har 29", on January 19, there was a similar entry of "Har 24", and on January 26, there was another entry of "Har 37". See attached Ex. "1a" at page 2. Similar "Har" entries occur for each month in this calendar.

12. I have added up the number of marijuana plants harvested during the period January 1 - June 23, 2002, as reflected in this calendar (Ex. "1a"). The results of this tabulation is set forth in attached Exhibit "1b", which is also incorporated herein be reference. According to this calendar, defendant had harvested 968 marijuana plants during this period of time. This, of course, would be in addition to the live, marijuana plants actually recovered from her property during the June 27, 2002 warranted search.

13. The handwritten log entries of the work performed, as documented in this calendar, reflect a very labor-intensive marijuana cultivation operation. The care and maintenance of a marijuana operation of this size and scope would constitute a full-time job, particularly so if only being conducted by one

person.

I DECLARE THE FOREGOING TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED: Hilo, Hawaii, October 5, 2006.


MARSHALL KANEHAILUA